

## **REMARKS**

Reconsideration of this application, as amended is requested.

Claims 1, 3, 8-23 and 25-28 remain in the application. Claims 2, 4-7 and 24 were canceled earlier in the prosecution. Claim 29 is canceled with this Amendment. Independent claims 15 and 20 have been amended to define the invention with greater particularity. In this regard, the amendments to independent claims 15 and 20 more clearly indicate the order in which the previously recited steps are carried out and to define the invention more clearly.

The applicants and the assignee are pleased to note that claims 1, 3 and 8-14 are allowed. Those claims remain in the application and have not been amended further.

The applicants and the assignee also thank the Examiner for not making this office action a final rejection and for the very helpful comments in paragraph 9 of the detailed action under the heading Response to Arguments. In this regard, the Examiner stated that previously presented claims 15 and 20 list specific cutting limitations "that can be done in any chronological order, simultaneously, multiple separate cutting steps, or a single cutting step as is disclosed by Otsubo." The Examiner explained that his duty is to interpret the claims in light of the specification, but that the Examiner cannot read limitations from the specification into the claims.

As noted above, independent claims 15 and 20 have been amended to define the previously recited method steps with greater clarity and particularity and to clarify the order in which the method steps are carried out. In this regard, claim 15 defines "cutting an outer surface web in a length direction of the outer surface web to form a first

outer surface web and a second outer surface web." Claim 15 then proceeds with "spacing the first outer surface web and the second outer surface web from each other." This "spacing" step necessarily is carried out after the step of cutting an outer surface web to form a first outer surface web and a second outer surface web. Similarly, claim 15 defines a method step of "cutting an inner surface web in a length direction of the inner surface web to form a first inner surface web and a second inner surface web" followed by a step of "spacing the first inner surface web and the second inner surface web from each other." These two cutting and spacing steps necessarily must be carried out in their recited order. Claim 15 has been amended to define more clearly the step of "manufacturing a first elastic laminated body by placing at least one elastic member in an extended state in a web length direction between the first outer surface web and the first inner surface web after the first outer surface web and the first inner surface web have been separated respectively from the second outer surface web and the second inner surface web, and laminating the first outer surface web to the first inner surface web." Similarly, amended claim 15 now recites the step of "manufacturing a second laminated body by placing at least one second elastic member in an extended state in a web length direction between the second outer surface web and the second inner surface web after the second outer surface web and the second inner surface web have been separated respectively from the first outer surface web and the first inner surface web." This manufacturing step then proceeds by laminating the second outer surface web to the second inner surface web. Method claim 15 concludes with the step of "attaching an absorber to the first elastic laminated body and the second elastic laminated body which

are spaced from each other." This last step necessarily must be carried out after the two manufacturing steps recited in amended claim 15.

It is believed that amended claim 15 provides the clarity as to the order of the steps and addresses the Examiner's response to arguments in paragraph 9 of the detailed action.

Similar amendments have been entered to claim 20 to define more clearly the order of the steps recited therein. In particular, amended claim 20 now recites "cutting an inner surface web in a length direction of the inner surface web into a first inner surface web and a second inner surface web" and "spacing the first inner surface web and the second inner surface web from each other." These cutting and spacing steps necessarily must be carried out in their recited order. Claim 20 then recites "manufacturing a first elastic laminated body and a second elastic laminated body by placing at least one first elastic member in an extended state in a web length direction between a single outer surface web and the first inner surface web after spacing the first inner surface web from the second inner surface web." This manufacturing step proceeds "by placing at least one second elastic member in an extended state in a web length direction between the single outer surface web and the second inner surface web after spacing the second inner surface web from the first inner surface web." The manufacturing step proceeds by defining the "laminating" in a manner similar to independent claim 15 and then concludes with "attaching an absorber to the first inner surface web and the second inner surface web which are spaced from each other and forming a leg hole portion in the single outer surface web.

In contrast, the Otsubo et al. reference relates to a method where an elongate web is provided and first and second elastic members are fed onto the web to define two substantially parallel and substantially sinusoidal curves that are in phase with one another. The web then is cut along a substantially sinusoidal line bisecting a distance between the first and second elastic members to provide a first web half and a second web half. Each web half has an alternating arrangement of troughs and crests as explained at col. 4, lines 45-66 of Otsubo et al. The two web halves then are moved away from one another in directions transverse to their longitudinal direction. This aspect of the Otsubo et al. reference causes wrinkles and creases to occur easily in the two webs. The Otsubo et al. method proceeds by placing a body fluid absorbent pad 84 on the first and second web halves to bridge the spacing therebetween as illustrated in FIG. 2 of Otsubo et al. and as described at col. 4, line 66 to col. 5, line 8. However, the body fluid absorbent pad 84 is attached to the two webs that already have the wrinkles and creases.

It is submitted that amended independent claim 15 now is commensurate with the arguments that were submitted in the last Amendment and addresses the comments provided in the Response to Arguments section of the office action. Accordingly, it is submitted that the invention defined by amended claim 15 and its dependent claims is not taught or suggested by Otsubo et al.

The deficiencies of Otsubo et al. with respect to amended claim 15 apply equally well to amended claim 20. Additionally, claim 20 further recites forming a leg hole portion in the single outer surface web. The Otsubo et al. reference does not teach or suggest that the leg hole portion is formed in the single outer surface web after the absorber is attached to the first and second inner surface web. For these reasons, it is

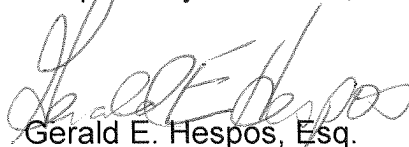
submitted that the invention defined by amended claim 20 and its dependent claims is not taught or suggested by Otsubo et al.

Claims 16 and 21 were rejected under 35 USC 103(a) as being obvious over Otsubo et al. considered in view of Thorson et al. (US 6,979,380). The Examiner acknowledged that the Otsubo et al. reference does not teach shifting the cut webs longitudinally so that the concave portions of the respective webs oppose each other. The Examiner turned to Thorson et al. in an effort to address this admitted deficiency of Otsubo et al.

The deficiencies of Thorson et al. were discussed in the Remarks section of the last Amendment. Those Remarks are incorporated herein by reference. The Thorson et al. reference does not overcome the above-described deficiencies of Otsubo et al. when applied to amended claims 15 and 20. Hence, it is submitted that amended claims 16 and 21 are not suggested by Otsubo et al. considered in view of Thorson et al.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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